REMARKS

Applicant thanks the Examiner for the in-person interview of February 16, 2011. This paper is filed in response to the non-final Office Action mailed September 14, 2010 and the Interview. Claims 99, 103, 106 and 113 were amended. Claims 139-144 are added. Therefore, claims 99, 101, 103-118 and claims 139-144 are pending.

No new matter is added. The claim amendments and additions are supported by the specification, drawings and originally filed claims including Col. 40 lines 21-24; and Col. 46 lines 7-46 (cites to applicants' issued patent 5,832,494). Reconsideration and allowance of the claims in view of the remarks that follow are respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 106-107 and 109-118 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 5,712,995 issued to Cohn (hereinafter "Cohn") for reasons stated on pages 2-6 of the September 14, 2010 Office Action. Applicants respectfully traverse the rejection.

For anticipation under 35 U.S.C. §102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02, IV. Distinction between 35 U.S.C. 102 and 103, page 700-21). The Federal Circuit has held that prior art is anticipatory only if every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim *(Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, (Fed. Cir. 1985); *Atlas Powder Co. v. DuPont;* 750 F.2d 1569, (Fed. Cir. 1984); *American Hospital Suppl v. Travenol Labs*, 745 F.2d 1 (Fed. Cir. 1984).

Independent claims 106 and 113 are amended in accordance with suggestions from the Examiner to include a limitation about recently activated windows. As stated in the Office Action at 7, "Cohen does not teach wherein the most recently activated windows are identified for display." Thus, amended claims 106 and 113 are allowable over Cohn.

Claims 106 and 113 are patentable over Cohn because Cohn fails to disclose or teach every aspect of the claimed invention. Claims 107, 109-112 and 114-118 are patentable over Cohn because they depend from independent claim 106 or 113 and also recite additional patentable subject matter. Withdrawal of the rejection under 35 U.S.C. 102 is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 99 and 101, 103-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohn in view of USPN 5,757,371 issued to Oran (hereinafter "Oran") for reasons stated on pages 6-8 of the Office Action. Claim 108 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohn in view of USPN 5,956,030 issued to Conrad et al. (hereinafter "Conrad") for reasons stated on pages 9 of the Office Action. Applicants respectfully traverse the rejections.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be considered (MPEP 2143.03). The key to supporting any rejection under 35 U.S.C. §103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. §103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR,* 82 USPQ2d at 1396 and MPEP 2142.

As discussed earlier, Cohn does not teach or suggest "the most recently activated windows are identified for display" OA at 7 as recited in claim 99. Oran also fails to teach or suggest this feature. Specifically, in Oran (Fig 16B; Col. 9, lines 55-62) a menu item for the document is displayed. Col. 9, line 61. Therefore, for this reason alone, independent claim 99 is patentable over Cohn and Oran.

Claims 101, and 103-105 are patentable because they depend from claim 99 and recite additional patentable subject matter.

Claim 108 depend from amended claim 106. As discussed earlier, claim 106 is patentable over Cohn. Conrad is cited in the Office Action at page 9 for teaching conserving display space and viewing both types of windows simultaneously. Even if so, Conrad does not cure the deficiency of Cohn. Therefore, claim 106 is patentable over Cohn and Conrad. Claim 108 is patentable because it depends from claim 106.

Withdrawal of the rejections under 35 U.S.C. 103 is respectfully requested.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Applicants believe that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

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